

SENATE No. 1580

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Brewer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the common defense.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------|--|
| Stephen M. Brewer | Worcester, Hampden, Hampshire and Franklin |
| Richard J. Ross | 9th Norfolk |
| Bruce E. Tarr | First Essex and Middlesex |
| Anne M. Gobi | 5th Worcester |
| Donald F. Humason, Jr. | 4th Hampden |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00804 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE COMMON DEFENSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1. Chapter 278: Section 8A. Killing or injuring a person defense of self or**
2 **others;**

3 Section 8A. It shall be an act of lawful defense if a person, who is an occupant of a dwelling or
4 in any place that they have a right to be, used deadly force, or less than deadly force, if he or she
5 acted in the reasonable belief that an assailant was about to inflict great bodily injury or death
6 upon themselves or upon another person who also had a right to be in the location. There shall be
7 no duty on a person to retreat from any place that they have a right to be. An act of lawful
8 defense as outlined in this section shall not be cause for arrest or prosecution. Further, an act of
9 lawful defense under this section shall not be cause for the revocation of a license issued under
10 sections, 122, 123, 129B or 131 of Chapter 140.

11 **SECTION 2. Chapter 231: Section 85U. Death or injury to assailants; liability of defender**

12 Section 85U. No person who has committed an act of lawful defense as outlined in section 8A of
13 chapter 278 shall be held liable in an action for damages for death or injuries to an assailant.